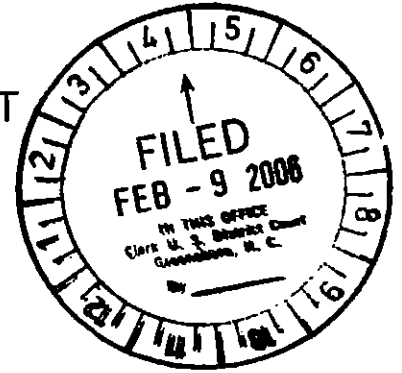


UNITED STATES DISTRICT COURT  
Middle District of North Carolina



RICKY LYNN YATES,

Petitioner,

v.

ERNEST SUTTON, Supt. of  
Pasquotank Correctional Institution,


Respondent.

1:05CV381

**J-U-D-G-M-E-N-T**

For the reasons set forth in the order filed contemporaneously with this Judgment,

**IT IS HEREBY ORDERED AND ADJUDGED** that Respondent's motion for summary judgment [Pleading no. 4] be **GRANTED**, and that this action be, and is hereby, dismissed with prejudice. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

  
UNITED STATES DISTRICT JUDGE

DATE: February 9, 2006